

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

LILLY HELENE SCHAFFER,

Plaintiff,

v.

**SUNTRUST MORTGAGE, INC. and THE
BANK OF NEW YORK MELLON, as Trustee
for CWMBS 2005-J4,**

Defendants.

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CIVIL ACTION NO. 4:16-CV-518

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 11, 2018, the report of the Magistrate Judge (Dkt. #63) was entered containing proposed findings of fact and recommendations that Plaintiff Lilly Helen Schaffer (“Plaintiff”) and Defendants SunTrust Mortgage, Inc., and The Bank of New York Mellon, as Trustee for CWMBS-2005-J4’s (“Defendants”) Joint Motion to Vacate the Memorandum Adopting Report and Recommendation of United States Magistrate Judge (the “Motion to Vacate”) (Dkt. #61) be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that the Motion to Vacate (Dkt. #61) is **GRANTED**, the Memorandum Adopting Report and Recommendation of

United States Magistrate Judge (Dkt. #59) is **VACATED**; the Report and Recommendation of United States Magistrate Judge (Dkt. #56) is **WITHDRAWN**; and Defendants' Opposed Motion for Attorneys' Fees (Dkt. #53) is **DENIED** as moot.

IT IS SO ORDERED.

SIGNED this 1st day of June, 2018.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE